

**THIRD DAY.**

Senate Chamber,  
Austin, Texas,  
January 31, 1934.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll was called, a quorum being present, the following Senators answering to their names:

Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
Holbrook.	Purl.
Hopkins.	Redditt.
Hornsby.	Regan.
Martin.	Russek.
Moore.	Sanderford.
Murphy.	Small.
Neal.	Stone.
Oneal.	Woodruff.
Pace.	Woodul.

**Absent—Excused.**

Beck.	Greer.
DeBerry.	Rawlings.
Duggan.	Woodward.
Fellbaum.	

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Stone.

**Petitions and Memorials.**

(See Appendix.)

**Committee Reports.**

(See Appendix.)

**Bills and Resolutions.**

By Senator Woodruff:

S. B. No. 5, A bill to be entitled "An Act amending Section 3 of Chapter 215, page 719, General Laws of Texas, Forty-third Legislature of Texas, 1933, providing a basis for salaries for services in summer schools at certain state supported institutions of higher learning and repealing certain provisions for the collection of certain matriculation and tuition fees from students of summer schools in certain state supported institutions of higher learning; and declaring an emergency."

Read first time and referred to the Committee on Finance.

**Senate Bill No. 1.**

The Chair laid before the Senate S. B. No. 1, the mileage and per diem bill, with House amendments.

On motion of Senator Collie, the Senate concurred in the House amendments by a viva voce vote.

**At Ease.**

By unanimous consent the Senate, at 10:10 o'clock a. m., stood at ease until 11 o'clock today.

**In Session.**

The Senate was called to order at 11 o'clock by Lieutenant Governor Edgar E. Witt.

**Messages From the House.**

Hall of the House of Representatives,  
Austin, Texas, January 31, 1934.  
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolution:

H. B. No. 5, A bill to be entitled "An Act releasing all interest and penalties on registration fees on motor vehicles for which a license fee is due on or before February 1, 1934, and extending the time of payment of same until March 31, 1934; repealing all laws and parts of laws in conflict herewith during the term of this Act, and declaring an emergency."

H. B. No. 6, A bill to be entitled "An Act providing that application for the renewal of registration of a vehicle for any calendar year shall be made not later than May 31st of that year; and providing that during the months of January, February, March, April, and May of each year it shall be lawful to operate any such vehicle under the license number plates and license issued for such vehicle for the preceding calendar year; defining the word 'vehicle', and declaring an emergency."

S. C. R. No. 4, Extending heartiest birthday greetings to Hon. Franklin D. Roosevelt on his fifty-second birthday, and congratulating him on the wise leadership which he has displayed in helping to bring about a realization of the New Deal.

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

**House Bills Referred.**

The Chair referred the following House Bills:

H. B. No. 5, to the Committee on State Highways and Motor Traffic.

H. B. No. 6, to the Committee on State Highways and Motor Traffic.

**Appointment.**

The Chair appointed Senator Martin Temporary Chairman of State Highways and Motor Traffic Committee for the day.

**Recess.**

On motion of the Chair, the Senate, at 11:10 o'clock a. m., recessed until 2 o'clock p. m., today.

**Afternoon Session.**

The Senate met at 2 o'clock p. m., and was called to order by Lieutenant Governor Edgar E. Witt.

**House Bill No. 5.**

The Chair laid before the Senate the following bill:

H. B. No. 5, A bill to be entitled "An Act releasing all interest and all penalties on registration fees on motor vehicles for which a license fee is due on or before January 31, 1934, and extending the time of payment of same until April 1, 1934, and declaring an emergency."

The rule requiring Committee reports to lie over one day was suspended by unanimous consent.

The Committee report recommending that the bill be not printed was adopted by unanimous consent.

The Committee amendments were adopted.

Senator Purl moved that the bill be read in full. Motion was adopted. The bill was read.

The bill was read second time and passed to third reading by the following vote:

Yeas—14.

Cousins.	Regan.
Hornsby.	Russek.
Martin.	Sanderford.
Oneal.	Stone.
Parr.	Woodruff.
Poage.	Woodul.
Purl.	

Nays—10.

Blackert.	Neal.
Collie.	Pace.
Holbrook.	Patton.
Hopkins.	Redditt.
Moore.	Small.
Murphy.	

Absent—Excused.

Beck.	Greer.
DeBerry.	Rawlings.
Duggan.	Woodward.
Fellbaum.	

On motion of Senator Stone, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 5 was put on its third reading and final passage by the following vote:

Yeas—22.

Collie.	Patton.
Cousins.	Poage.
Hopkins.	Purl.
Hornsby.	Redditt.
Martin.	Regan.
Moore.	Russek.
Murphy.	Sanderford.
Neal.	Small.
Oneal.	Stone.
Pace.	Woodruff.
Parr.	Woodul.

Nays—2.

Blackert.	Holbrook.
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Absent—Excused.

Beck.	Greer.
DeBerry.	Rawlings.
Duggan.	Woodward.
Fellbaum.	

Read third time and finally passed by the following vote:

Yeas—11.

Cousins.	Purl.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Stone.
Parr.	Woodruff.
Poage.	

Nays—10.

Blackert.	Neal.
Collie.	Pace.
Holbrook.	Patton.
Moore.	Redditt.
Murphy.	Small.

**Absent—Excused.**

Duggan. Greer.  
Fellbaum. Rawlings.

(Pairs Recorded.)

Senator Regan (present), who would vote yea; with Senator Beck (absent), who would vote nay.

Senator Woodul (present), who would vote yea; with Senator Woodward (absent), who would vote nay.

Senator Oneal (present), who would vote yea; with Senator DeBerry (absent), who would vote nay.

Senator Woodruff moved to reconsider the vote by which H. B. No. 5 was passed, and spread on the Journal.

**S. C. R. No. 1.**

Senator Moore called up S. C. R. No. 1, which was set as special order for Wednesday, and, by unanimous consent, laid it on the table subject to call.

**Senate Resolution No. 5.**

Senator Woodruff sent up the following resolution:

Whereas, The Senators' desks now have copies of the 1932 supplement to Vernon's Complete Statutes covering the laws down to and including the Second Called Session of the Forty-second Legislature; and

Whereas, The second supplement to the said Vernon's Statutes covering the Acts of the Third and Fourth Called Sessions of the Forty-second and the Regular and First Called Sessions of the Forty-third Legislature is now available at \$5.00 (five dollars) per volume.

**THEREFORE, BE IT RESOLVED,** That the Committee on Contingent Expense be and it is hereby instructed to purchase thirty-three (33) copies of this supplement, one for the desk of each member of the Senate, one each for the Secretary of the Senate and Lieutenant Governor, and that the cost thereof be paid out of the Contingent Expense Fund of the Senate.

By unanimous consent the rule requiring resolutions to be referred before consideration was suspended.

The resolution was read and adopted.

**Senate Resolution No. 6.**

Senator Woodul sent up the following resolution:

Resolved, by the Senate of the Second Called Session, Forty-third Legislature, That the assistant head porter, Tom Burton, shall receive for his services the sum of Three and 50/100 (\$3.50) per day. He has duties greater than the ordinary porter, to-wit: charge of the mail, requiring longer hours and more careful attention to same, in addition to some special duties, equally as arduous as those of the head porter.

**WOODUL.**

By unanimous consent the rule requiring resolutions to be referred before consideration was suspended.

The resolution was read and adopted.

**House Bill No. 5.**

Senator Purl called from the Journal the motion by which H. B. No. 5 was spread on the Journal, and asked that the vote by which the bill finally passed be reconsidered.

The vote by which the bill finally passed was reconsidered and the bill failed to pass by the following vote:

**Yeas—8.**

Cousins.	Parr.
Hopkins.	Sanderford.
Hornsby.	Stone.
Martin.	Woodruff.

**Nays—12.**

Blackert.	Pace.
Collie.	Patton.
Holbrook.	Poage.
Moore.	Purl.
Murphy.	Redditt.
Neal.	Small.

**Absent—Excused.**

Duggan.	Rawlings.
Fellbaum.	Russek.
Greer.	

(Pairs Recorded.)

Senator Oneal (present) who would vote yea; with Senator DeBerry (absent), who would vote nay.

Senator Regan (present), who would vote yea; with Senator Beck (absent), who would vote nay.

Senator Woodul (present), who would vote yea; with Senator Woodward (absent), who would vote nay.

## Reason for Vote.

The records will show that on the engrossment of this bill and on final passage vote of the bill that I voted for the measure.

On the engrossment the record will show it was fourteen for and ten against it, and on final passage it was eleven for and ten against it. To have permitted this bill to have become a law without securing twenty-one votes needed to have put it into immediate effect would have placed the Senate of Texas in the ridiculous position of passing a law to extend the payment of taxes when the law did not go into effect until 90 days after this session adjourned and this law would have done no good whatever or have given any relief.

It was imperative that it receive twenty-one votes and since it only mustered eleven, it was impossible for the bill to go into immediate effect. I did not want the Senate of Texas to be put in the light of passing a measure under the above circumstances and thought the people were entitled to know the final outcome of this bill today, therefore, I told the opposition that in order to get a final vote and get the measure finally disposed of one way or another before midnight, if they would agree for me to have the vote reconsidered then I would vote to kill the bill outright and get the matter finally disposed of in order that the newspapers could tell the people that for all practical effect the Senate had voted that no extension of time for the payment of automobile taxes would be granted. If this action had not been taken the Senate would have been in the position of telling the people that they would have until March 31 to pay these taxes, but in the meantime the bill would not go into effect until 90 days after February 27th which would have put the bill into effect May 29th. I would not be a party to such a ghastly joke on the citizens of my State and for that reason I voted to kill the bill outright rather than confuse the issue.

PURL.

## Message From the Governor.

Executive Department,  
Austin, Texas, January 29, 1934.  
To the Texas State Senate:

I ask the advice, consent and confirmation by the Senate in the following appointments:

To be Chief Justice of the Court of Civil Appeals, Second Supreme Judicial District of Texas, to fill the unexpired term of Honorable Truman H. Conner, deceased:

Honorable Irby Dunklin, of Fort Worth, Tarrant County, Texas.

To be Associate Justice of the Court of Civil Appeals, Second Supreme Judicial District of Texas, to fill the unexpired term of Honorable Irby Dunklin, resigned:

Honorable A. J. Power, of Fort Worth, Tarrant County, Texas.

To be a Member of the Board of Directors of Texas Technological College, in place of Honorable Houston Harte:

Honorable Denis Zimmerman, of Tulia, Swisher County, Texas.

To be Chairman of the Texas Racing Commission, in place of Honorable Frank Scofield, resigned:

Honorable Guy L. Waggoner, of Fort Worth, Tarrant County, Texas.

To be a Member of the Livestock Sanitary Commission of Texas, in place of Honorable E. F. Jarrell, resigned:

Honorable Ed Steger, of Bonham, Fannin County, Texas.

To be Members of the Compensation Claim Board Under the Pink Boll Worm Act:

Honorable Fred W. Davis, of Austin, Travis County, Texas.

Honorable R. J. Murray, of Lubbock, Lubbock County, Texas.

Honorable Joe E. Edmondson, of Palestine, Anderson County, Texas, and I have designated Honorable Fred W. Davis as Chairman of such Board.

To be a Member of the Board of Regents of The University of Texas, to fill the unexpired term of Honorable Frank Yount, deceased:

Honorable Hilmer H. Weinert, of Seguin, Guadalupe County, Texas.

To be Member of Texas Civil Judicial Council in place of Honorable C. S. Bradley:

Honorable A. M. Blackmon, of Groesbeck, Limestone County, Texas.

To be a Member of the Board of

Regents of State Teachers' Colleges, in place of Honorable T. C. Andrews, resigned:

Mrs. J. K. Beretta, of San Antonio, Bexar County, Texas.

To be District Attorney for the Ninth Judicial District of Texas, to fill the unexpired term of Honorable W. B. Browder, resigned:

Honorable W. C. McClain, of Groveton, Trinity County, Texas.

To be Members of Bank Deposit Insurance Company:

Honorable M. C. Driscoll, of Houston, Harris County, Texas.

Honorable T. H. Heard, of Heidenheimer, Bell County, Texas.

To be a Member of Texas Relief Commission:

Honorable E. J. Hussion, of Houston, Harris County, Texas.

To be Members of the State Board of Barber Examiners for the statutory current term:

Honorable J. L. Dunn, of Corsicana, Navarro County, Texas.

Honorable C. W. Dick, of Abilene, Taylor County, Texas.

To be a Member of the State Board of Control for the current six-year term, beginning January 1, 1934:

Honorable Henry C. Meyer, of Rockdale, Milam County, Texas.

To be Commissioner of Labor Statistics, to fill the unexpired term of Honorable Jack Flynn, deceased:

Honorable Chas. H. Poe, of Houston, Harris County, Texas.

To be a Member of the Texas Library and Historical Commission, in place of Elizabeth R. Houston, resigned:

Honorable Abe Gordon, of Houston, Harris County, Texas.

To be a Member of the State Board of Pardons and Paroles, to fill the unexpired term of Honorable J. O. Woodward, resigned:

Honorable Frank V. Lanham, of Dallas, Dallas County, Texas.

Respectfully,

MIRIAM A. FERGUSON,  
Governor of Texas.

Referred to the Committee on Nominations of the Governor.

#### Message From the House.

Hall of the House of Representatives,  
Austin, Texas, January 31, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House

to inform the Senate that the House has passed the following bill:

By Mr. Pope:

H. B. No. 4, A bill to be entitled "An Act to stay all sales under execution, or order of sale or under any deed of trust, mortgage or other contract, giving or granting any power of sale of real property for debt now advertised to be made on February 6, 1934, until the first Tuesday in April, 1934; providing that no other or further advertisement or notice of any such sale than that lawfully given for sale on February 6, 1934, shall be required for such sale on the first Tuesday in April, 1934; providing the lien sought to be foreclosed was not procured for the purpose of securing, in part or whole, any indebtedness for money or property procured by misrepresentation, fraud, defalcation or embezzlement; providing the period for making return on any such execution or order of sale is extended for such period as may be necessary for officer to make return, but such extension shall not extend beyond May 1, 1934; and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

#### Bill Signed.

The Chair, Lieutenant Governor Edgar E. Witt, gave notice of signing and did sign, in the presence of the Senate, after its caption had been read, the following bill:

S. B. No. 1.

#### Bill Referred.

H. B. No. 4, referred to the Committee on State Affairs.

#### Bill Re-referred.

Senator Woodruff asked unanimous consent that S. B. No. 5 be re-referred from the Finance Committee to the Committee on State Affairs.

There being no objection, it was so ordered.

#### Adjournment.

On motion of Senator Poage, the Senate, at 4:45 o'clock p. m., adjourned until tomorrow morning at 10 o'clock.

## APPENDIX.

## Committee on Enrolled Bills.

Committee Room,

Austin, Texas, January 31, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 1 carefully examined and compared and find same correctly enrolled.

MOORE, Vice-Chairman.

## Committee Reports.

Committee Room,

Austin, Texas, January 31, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Highways and Motor Traffic, to whom was referred

S. B. No. 4, A bill to be entitled "An Act releasing all interest and penalties on registration fees on motor vehicles for which a license fee is due on or before January 31, 1934, and extending the time of payment of same until April 1, 1934, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, with the attached committee amendment, and be not printed.

DeBERRY, Vice-Chairman.

Committee Room,

Austin, Texas, January 31, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Highways and Motor Traffic, to whom was referred

H. B. No. 5, A bill to be entitled "An Act releasing all interest and penalties on registration fees on motor vehicles for which a license fee is due on or before February 1, 1934, and extending the time of payment of same until March 31, 1934; repealing all laws and parts of laws in conflict herewith during the term of this Act; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, with committee amendments attached, and be not printed.

MARTIN, Chairman.

## Committee Amendment.

Amend H. B. No. 5, by adding thereto a section to be known as "Section 2-a," to read as follows:

"The compliance by any person entitled to the benefits of this Act with the terms hereof when pleaded and proved to the satisfaction of the court or jury trying the case, shall be a defense to any criminal prosecution for any act committed on or before March 31, 1934, which otherwise would be unlawful under Section 14-d or Section 14-e, of Chapter 88 of the General Laws of the Second Called Session, Forty-first Legislature."

Committee Room,

Austin, Texas, January 31, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Highways and Motor Traffic, to whom was referred

H. B. No. 6, A bill to be entitled "An Act providing that application for the renewal of registration of a vehicle for any calendar year shall be made not later than March 31 of that year, and providing that during the months of January, February and March of each year, it shall be lawful to operate any such vehicle under the license number plates and license issued for such vehicle for the preceding calendar year; defining the word 'vehicle'; providing this Act shall take effect and be in force, beginning in the year 1935, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

MARTIN, Chairman.

## FOURTH DAY

Senate Chamber,

Austin, Texas,

February 1, 1934.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll was called, a quorum being present, the following Senators answering to their names: